



FACT SHEET

GUIDE TO APPLYING TO INSTALL A MANUFACTURED HOME, MOVEABLE DWELLING OR ASSOCIATED STRUCTURE

Definitions

- **Manufactured Home** - is defined in the Local Government Act 1993 as 'a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:
 - a. that comprises one or more major sections, and
 - b. that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013, and includes any associated structures that form part of the dwelling.
- **Moveable Dwelling** - is defined in the LG Act 1993 as:
 - a. any tent, caravan or other van or portable device (whether on wheels or not), used for human habitation; or
 - b. a manufactured home; or
 - c. any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.
- **Associated Structure** - is defined in the LG Act 1993 as:
 - a. a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned; or
 - b. a separating wall between two moveable dwellings.'

Do I Need to Lodge a Development Application (DA)?

Yes, all proposals to install a manufactured home on land requires the lodgement of a DA and an application for a Section 68 approval. The applicant needs to submit an application for development together with plans and specifications indicating the following;

- Design certified by a practising structural engineer indicating the building is structurally sound;
- Be installed in accordance with the specifications in the engineer's certificate or such other specifications as are in the approval for the installation on the land;
- Have compliance plates attached.

These requirements are intended to ensure that the home meets relevant health, safety and amenity standards.

In determining a DA to install a manufactured home, Council is required to consider such of the matters referred to in Section 79C(1) of the EP&A Act as are relevant to the subject development.

Do I Need a Construction Certificate?

A Construction Certificate is **not** required for installation of this type of home. This is because a Construction Certificate is only required for building work or subdivision work, and installation of a manufactured home is not erection of a building for the purposes of EP&A Act 1979. The Section 68 Application and approval under the LG Act 1993 effectively replaces a Construction Certificate.

Instead of requiring a Construction Certificate, certification by structural engineer/s and compliance plates are relied upon.

Manufactured homes require a final completion certificate to be issued by Council prior to occupation to ensure the health and amenity of the occupants.

BASIX

A BASIX Certificate is not required for manufactured homes as they are not within the definition of a BASIX affected building under the EP&A Regulation 2000. Currently, BASIX only applies to buildings as defined in the EP&A Act.

What Else Do I Need?

Some, or all of the following will also be necessary, depending on the nature and location of your development:

- A separate S68 application to install an On-site Sewage Management (OSSM) system, if your development is in an unsewered area. This is to enable all the plumbing and drainage associated with the building to be installed, inspected and approved. The Application form is available from Council. Note: On-Site Sewage Management Plans must be designed by a Geotechnical Engineer/Engineer/Hydrological Consultant & copy must be attached to the OSSM Application.
- Access to the site – any existing or new access from a public road to the property boundary, must comply with Council's current requirements contained in the Road Network Management Plan. Works within the Road Reserve (Section 138) may include (but is not limited to) driveway access crossing, construction of kerb and gutter, footpath/cycle path, drainage works, shoulder widening, etc. A separate application form must be lodged to enable Council to consider the works required.
- Evidence of compliance with the Home Building Act, 1989. If you are using a licensed builder for the work that exceeds \$20,000 in value, you must obtain Certificate of Insurance under the Home Building Act (for works over \$20,000) OR if you opt for an Owner-Builder Permit and the work exceeds \$10,000 in value, you must apply for an owner builder permit at NSW Office of Fair Trading. This requirement also applies to all associated structures.

Other Specialist Reports?

For certain developments, Council requires other specialist reports for issues such as geotechnical, flood and site contamination. Your consultant, architect or draftsman can advise you if these reports are required.

What if my development is on Bush Fire Prone Land?

All developments on bushfire prone land are assessed in accordance with the NSW Government document titled "Planning for Bushfire Protection" available from www.rfs.nsw.gov.au

Development Applications for installation of buildings onto bushfire prone land should be accompanied by a bushfire consultant's report or a completed Bushfire Assessment Report.

This assessment will determine appropriate standards for distances to vegetation (called asset protection zones), construction standards, on site water storage and pump plus a variety of other matters.

If you are unsure if your site is within a bushfire prone area, contact Council on (02) 6736 6002.

Can I Occupy a Caravan or Shed While I Build?

Approval to occupy a caravan or existing shed on a property may be given while a dwelling is being built, subject to the following criteria:

- A development application and construction certificate (or complying development certificate) to erect a permanent dwelling, has been submitted and approved by Council;
- A water supply, bathroom and toilet facilities are provided on site and connected to an approved on-site sewage management system;
- Council will only give approval for a maximum of 12 months, an extension of time to the maximum period may be considered if a construction certificate has been submitted and work is substantially commenced (i.e. above floor level).

For further information regarding temporary occupation of a building or caravan, contact Council's Strategic Planning and Environmental Services Department.

What Information is required?

Refer to Council's combined DA/CC/CDC Application form section that refers to Submitting Applications and Notes for Completing Your Application.

Should you wish to book a pre-lodgement meeting with a Council Officer to ensure the application form is completed correctly and you have provided all the required supporting documentation please click on the following link;

http://www.tenterfield.nsw.gov.au/index.php?option=com_content&view=article&id=1161312:pre-lodgement-meeting-request-form&catid=1817&Itemid=2999

Alternatively, post your application to
Tenterfield Shire Council
Strategic Planning & Environmental Services Department
PO Box 214 (247 Rouse Street)
TENTERFIELD NSW 2372

In summary, your application package should include (but not limited to):

- Application form/s for the proposed development;
- Owner Builder Permit OR Home Owners Warranty Certificate – *if the connection of services and the undertaking of residential building work, including specialist work and site preparation work, are involved in the siting of a transportable or manufactured dwelling that to be used as a residence, then Certificate of Insurance under the Home Building Act (for works over \$20,000) would be required. Evidence of the existence of a valid Certificate of Insurance under the Home Building Act would be required in the development notice given to Council if the proposed work meets the conditions outlined in Clause 98B of the Environmental Planning and Assessment Regulation 2000. Please note that the Certificate of Insurance under the Home Building Act threshold of \$20,000 includes labour, material supplied by the contractor & GST (in general terms, the total contract price).*
- Plans of the development;
- Relevant Structural Engineers Certifications and specifications;
- A Local Approval (sometimes called a Section 68 Application) for any on-site sewage management system;
- Relevant application fee together with applicable refundable bond/s (see Council's current fees and charges or contact Council's Strategic Planning & Environmental Services Department for further information/quote).

PLEASE NOTE, APPLICATIONS LODGED WITH PLANS DETAILED ON GRAPH PAPER, LINED PAPER OR IN PENCIL WILL NOT BE ACCEPTED.

Further enquires:

Ph: 02 6736 6002

PLEASE NOTE: Building and engineering design is specialised and complex. Council officers can provide basic guidance and advice on your proposal, however detailed site investigations, research and complex technical advice is beyond the services provided by Council

You may consider employing a consultant who can assist in preparing your application. Council officers cannot recommend consultants.

'The advice provided in this fact sheet in no way fetters the discretion of Council in the provision of any site-specific advice and/or the assessment and determination of any future Development Application for the site. In particular, other issues not identified in this fact sheet may emerge during a detailed assessment of matters relevant to the site, and in the case of a development application, public consultation, submission and consideration of specialist studies/reports, detailed assessment of planning-related matters, and consideration of a complete application'.